

### **REMARKS**

Applicants thank the Examiner for the thorough consideration given the present application. Claims 26-47 are currently being prosecuted. The Examiner is respectfully requested to reconsider her rejections in view of the Amendments and Remarks as set forth hereinbelow.

### **CLAIM FOR PRIORITY**

It is gratefully acknowledged that the Examiner has recognized the Applicants' claim for foreign priority. Because the Applicants' claim for foreign priority has been perfected, no additional action is required from the Applicants at this time.

### **DRAWINGS**

It is gratefully acknowledged that the Examiner has approved the Formal Drawings submitted by the Applicants. The drawings comply with the requirements of the USPTO. No further action is necessary.

### **ACKNOWLEDGEMENT OF INFORMATION DISCLOSURE STATEMENT**

The Examiner has acknowledged the previously filed Information Disclosure Statement. An initialed copy of the PTO-1449 has been received from the Examiner. No further action is necessary at this time.

### **ABSTRACT AND SPECIFICATION CHANGES**

A new abstract has been added and the specification has been amended to better correspond with U.S. patent practice. No new matter has been added.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-25 stand rejected under 35 U.S.C. § 102 as anticipated by Oshio et al. This rejected is respectfully traversed.

Claims 1-25 have been canceled and replaced with new claims 26-47. Accordingly, comments will be presented distinguishing new claims 26-47 over Oshio et al.

New independent claim 26 includes a combination of elements and is directed to a stereotactic device including a frame configured to be mounted onto a nasion of a subject being examined and extending frontally below the eyes of the subject to end positions that are in front of the face of the subject and outside a field of vision of the subject, and at least three fiducial markers mounted on the frame and configured to define a position of the frame with respect to the subject. Independent claim 37 includes similar features in a varying scope.

These features are supported at least by Figures 1 and 4 and page 5, line 18 and page 9, lines 10 and 11, for example. In more detail, Figures 1 and 4 illustrate a stereotactic device including a stereotactic device including a frame (3) configured to be mounted onto a nasion of a subject being examined and extending frontally below the eyes of the subject to end positions that are in front of the face of the subject and outside a field of vision of the subject, and at least three fiducial markers (6) mounted on the frame (3) and configured to define a position of the frame (3) with respect to the subject.

On the contrary, as shown in Figures 1A and 1B of Oshio et al., the frame member 10 is attached to a nose fitting element 12 and ear pieces 14. Thus, the frame 10 in Oshio et al. extends along the sides of the subject head in the same fashion as eyeglasses. That is, the frame 10 does not extend frontally below the eyes of the subject 2 to end positions that are in front of the face of the subject and outside a field of vision of the subject. Rather, the frame 10 wraps around the face of the subject so as to be inserted into the subject's ear hole.

Accordingly, it is respectfully submitted that independent claims 26 and 37 and each of the claims depending therefrom are allowable.

**REJECTION UNDER 35 U.S.C. § 103**

Claims 7 and 19 stand rejected under 35 U.S.C. § 103 as unpatentable over Oshiro et al. in view of Alison et al. This rejection is respectfully traversed.

It is respectfully submitted this rejection has also been overcome as Allison et al. also does not teach or suggest the features recited in independent claims 26 and 37.

**CONCLUSION**

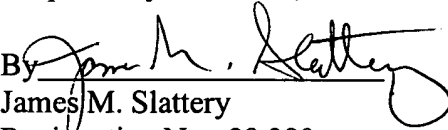
In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone David A. Bilodeau at (703) 205-8072 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-1448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly extension of time fees.

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Respectfully submitted,

By 

James M. Slattery

Registration No.: 28,380

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

JMS:DAB:af:jg